

MARK STEGER SMITH  
Assistant U.S. Attorney  
U.S. Attorney's Office  
2601 Second Avenue North  
Suite 3200  
Billings, MT 59101  
Ph: (406) 247-4667  
Fax: (406) 657-6058  
mark.smith3@usdoj.gov

PAUL E. SALAMANCA  
Deputy Assistant Attorney General  
Environment and Natural Resources Division  
United States Department of Justice

ARWYN CARROLL (MA Bar 675926)  
LUTHER L. HAJEK (CO Bar 44303)  
Natural Resources Section  
P.O. Box 7611  
Washington, D.C. 20044-7611  
Ph: (202) 305-0465  
Fax: (202) 305-0506  
arwyn.carroll@usdoj.gov  
luke.hajek@usdoj.gov

*Counsel for Federal Defendant*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

WESTERN ORGANIZATION OF )  
RESOURCE COUNCILS, *et al.*, )

Plaintiffs, )

v. )

U.S. BUREAU OF LAND )  
MANAGEMENT, )

Defendant, and )

STATE OF WYOMING, )

Intervenor Defendant. )

Case No. 4:20-cv-00076-BMM-JTJ

**DEFENDANT'S MOTION TO  
PARTIALLY DISMISS FOR  
IMPROPER VENUE OR,  
ALTERNATIVELY, TO SEVER  
CLAIMS AND TRANSFER VENUE**

For the reasons set forth in the accompanying memorandum, the United States Bureau of Land Management moves pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure and 28 U.S.C § 1406(a) to dismiss Plaintiffs' claims for improper venue to the extent those claims challenge a resource management plan amendment (RMPA) for the Buffalo land management area in Wyoming. In the alternative, BLM moves pursuant to Rule 21 of the Federal Rules of Civil Procedure and 28 U.S.C. § 1404(a) to sever those claims and transfer them to the United States District Court for the District of Wyoming.

Plaintiffs and Intervenor Defendant have been contacted pursuant to Local Rule 7.1(c)(1). Plaintiffs indicate that they object to this motion. Intervenor Defendant indicates that it does not object.

DATED: November 23, 2020

Respectfully submitted,

MARK STEGER SMITH  
Assistant U.S. Attorney  
U.S. Attorney's Office  
2601 Second Avenue North, Suite 3200  
Billings, MT 59101  
Phone: (406) 247-4667  
Fax: (406) 657-6058  
mark.smith3@usdoj.gov

PAUL E. SALAMANCA,  
Deputy Assistant Attorney General  
Environment & Natural Resources Division

/s/ Arwyn Carroll

ARWYN CARROLL (MA Bar 675926)  
Trial Attorney, Natural Resources Section  
United States Department of Justice  
Environment and Natural Resources Div.  
P.O. Box 7611  
Washington, D.C. 20044-7611  
Phone: 202-305-0465  
Fax: 202-305-0506  
arwyn.carroll@usdoj.gov

LUTHER L. HAJEK (CO Bar 44303)  
Trial Attorney, Natural Resources Section  
United States Department of Justice  
Environment and Natural Resources Div.  
999 18th St., South Terrace, Suite 370  
Denver, CO 80202  
Phone: (303) 844-1376  
Fax: (303) 844-1350  
luke.hajek@usdoj.gov

*Counsel for Federal Defendant*

**CERTIFICATE OF SERVICE**

I certify that on November 23, 2020, a copy of the foregoing was served on all counsel of record via the Court's CM/ECF system.

/s/ Arwyn Carroll

ARWYN CARROLL

U.S. Department of Justice